

Date 8-1-12
Dkt No. 92

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:

APPLESEED'S INTERMEDIATE HOLDINGS
LLC, *et al.*,

Debtors.

Robert N. Michaelson, as Trustee of the
Appleseed's Litigation Trust,

Plaintiff,

v.

Jeffrey D. Farmer, *et al.*,

Defendants.

Golden Gate Private Equity, Inc., *et al.*,

Counterclaim Plaintiffs,

v.

Robert N. Michaelson, as Trustee of the
Appleseed's Litigation Trust,

Defendants.

Jeffrey D. Farmer, Bradford J. Farmer, Brent A.
Bostwick and Vito Kowalchuk,

Cross Claim Plaintiffs,

v.

Golden Gate Private Equity, Inc., *et al.*,

Cross Claim Defendants.

Chapter 11

Case No. 11-10160 (KG)

Jointly Administered

Civ. No. 11-807 (JEI/KMW)

RECEIVED
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KAREN M. WILLIAMS
U.S. MAGISTRATE JUDGE

Civ. No. 11-807 (JEI/KMW)

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**SECOND STIPULATION AND ORDER EXTENDING DEADLINE
TO ANSWER CROSS CLAIMS AND THIRD PARTY COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, that the time for all Cross Claim Defendants¹ and Third Party Defendants² to answer, plead, move or otherwise respond to the June 13, 2012 Cross Claims And Third Party Complaint Of The FBK Defendants, is extended to and including August 31, 2012. This Stipulation applies to all Cross Claim Defendants and Third Party Defendants, whether or not such party has signed this stipulation or otherwise entered its appearance.

1 The “Cross Claim Defendants” are the following entities and individuals: Golden Gate Private Equity, Inc.; Golden Gate Capital Management II, LLC; GGC Administration, LLC; Orchard Brands Corporation f/k/a Appleseed’s Topco, Inc. n/k/a OBC Intermediate LLC; Orchard Brands Topco LLC n/k/a OBC Topco LLC; Catalog Holdings, LLC, and Series thereof, including, without limitation, Catalog Holdings, LLC – Series B (Draper’s), Catalog Holdings, LLC – Series C (Appleseed’s), Catalog Holdings, LLC – Series D (NTO), and Catalog Holdings, LLC – Series E (Haband); Golden Gate Capital Investment Fund II, LP; Golden Gate Capital Investment Fund II (AI), LP; Golden Gate Capital Associates II-QP, LLC; Golden Gate Capital Associates II-AI, LLC; CCG AV, LLC, and all Series thereof, including, without limitation, CCG AV, LLC – Series C (GGC Co-Invest), CCG AV, LLC – Series I (Bain), CCG AV, LLC – Series K (K&E) and CCG AV, LLC – Series K; Wester Capital Founders’ Fund, LP; Webster II, LLC; Webster III, LLC; Stefan Kaluzny; and Joshua Olshansky.

² The “Third Party Defendants” are: T. Neale Attenborough; Brenda Koskinen; Claire Spofford; John Civali; Dave Walde; American Capital Strategies, Ltd.; and Doe Defendants 1-15 (names and capacities to be provided on Amendment).

No party waives any right, argument, or objection, including, but not limited to objections based on venue or personal jurisdiction, as a result of this Stipulation.

Dated: August 1, 2012

[Counsel's signature pages follow]

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*Counsel for the GGC Defendants,³ T. Neale
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³ The “GGC Defendants” are the following entities and individuals: Golden Gate Private Equity, Inc.; Golden Gate Capital Management II, LLC; GGC Administration, LLC; Orchard Brands Corporation (formally known as Appleseed’s Topco, Inc.); Orchard Brands Topco LLC; Catalog Holdings, LLC; Catalog Holdings, LLC – Series B (Draper’s); Catalog Holdings, LLC – Series C (Appleseed’s); Catalog Holdings, LLC – Series D (NTO); Catalog Holdings, LLC – Series E (Haband); Golden Gate Capital Investment Fund II, LP; Golden Gate Capital Investment Fund II (AI), LP; Golden Gate Capital Associates II-QP, LLC; Golden Gate Capital Associates II-AI, LLC; CCG AV, LLC; CCG AV, LLC – Series C

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Counsel for American Capital Strategies, Ltd.

SO ORDERED on this 7th day of August, 2012.

Karen M. Williams
KAREN M. WILLIAMS
United States Magistrate Judge

(GGC Co-Invest); CCG AV, LLC – Series I (Bain); CCG AV, LLC – Series K (K&E); CCG AV, LLC – Series K; Stefan Kaluzny; and Joshua Olshansky.